

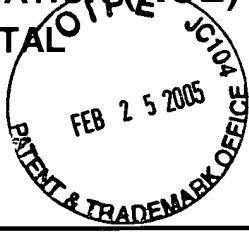
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## REQUEST

FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Application Number	09/678,486
Filing Date	October 4, 2000
First Named Inventor	Andrews
Group Art Unit	3763
Examiner Name	Michael M. Thompson
Attorney Docket Number	1652-11

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 C.F.R. § 1.114.

- a.  Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on February 8, 2005
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply (copy of Amendment filed February 8, 2005)
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

## 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  Applicant claims "small entity" status.
- b.  Fees are attached as calculated below:
 

i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)	\$790.00 (1801)/\$395.00 (2801)	\$ 790.00	
ii. <input type="checkbox"/> Petition is made to extend the due date	months (less	months previously paid)	\$ 0.00
iii. <input type="checkbox"/> Other _____			\$ 0.00
c. <input checked="" type="checkbox"/> Check in the amount of \$ <u>790.00</u> enclosed.			
d. <input type="checkbox"/> Payment by credit card (credit card payment form attached) in the amount of \$ 790.00			
e. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. <u>14-1140</u>			

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	(to)	Leonard C. Mitchard	Registration No. (Attorney/Agent)	29,009
Signature		M Leonard C. Mitchard RECEIVED FEB 25 2005	Date	February 25, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ANDREWS et al

Serial No. 09/678,486

Filed: October 4, 2000

Title: BALLOON CATHETER

Atty Dkt. 1652-11

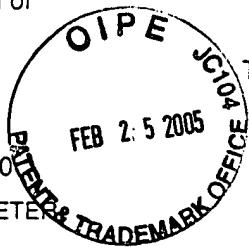
C# M#

TC/A.U.

3763

Examiner: Michael M. Thompson

Date: February 9, 2005



Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment	10	minus highest number			
previously paid for	20	(at least 20) =	0	x \$50.00	\$0.00 (1202)/\$0.00 (2202) \$ 0.00

Independent claims after amendment	1	minus highest number			
previously paid for	3	(at least 3) =	0	x \$200.00	\$0.00 (1201)/\$0.00 (2201) \$ 0.00

If proper multiple dependent claims now added for first time, (ignore improper); add					
				\$360.00 (1051)/\$180.00 (2051)	\$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this					
paper and attachment(s)				One Month Extension \$120.00 (1251)/\$60.00 (2251)	
				Two Month Extensions \$450.00 (1252)/\$225.00 (2252)	
				Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)	
				Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)	\$ 1020.00

Terminal disclaimer enclosed, add					
				\$130.00 (1814)/ \$65.00 (2814)	\$ 0.00

<input type="checkbox"/> Applicant claims "small entity" status.	<input type="checkbox"/> Statement filed herewith				
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Rule 56 Information Disclosure Statement Filing Fee				\$180.00 (1806)	\$ 0.00
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Assignment Recording Fee				\$40.00 (8021)	\$ 0.00
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Other:					\$ 0.00
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**TOTAL FEE ENCLOSED \$ 1020.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
 Arlington, Virginia 22201-4714  
 Telephone: (703) 816-4000  
 Facsimile: (703) 816-4100  
 LCM:itm

NIXON & VANDERHYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature:  **COPY**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

ANDREWS et al

Atty. Ref.: 1652-11; Confirmation No. 8045

Appl. No. 09/678,486

TC/A.U. 3763

Filed: October 4, 2000

Examiner: Michael M. Thompson

For: BALLOON CATHETER

\* \* \* \* \*

February 8, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is in response to the Official Action mailed August 25, 2004 (for which petition is hereby made for a three-month extension of time). Reconsideration is requested on the basis of the following remarks.

**REMARKS/ARGUMENTS**

Claims 16-25 are in the case. No claim amendments are presented.

Claims 16-18, 20, 24 and 25 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent 5,868,779 to Ruiz. Claims 19 and 21-23 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ruiz in view of U.S. Patent 4,706,670 to Andersen et al. Those rejections are respectfully traversed.

The present application is based on PCT International Application PCT/IB97/00956 filed on August 1, 1997. That application in turn claims benefit of the filing date of August 2, 1996 of British priority patent Application No. 9616267.2.

The Ruiz patent has a filing date of August 15, 1997. Since the August 15, 1997 filing date of Ruiz is subsequent to the August 1, 1997 filing date of the underlying '956 PCT International application of the present case, it is clear that Ruiz is not available as prior art under 35 U.S.C. §102(e) or 35 U.S.C. §102(b). Withdrawal of the outstanding anticipation and obviousness rejections is accordingly respectfully requested.

Allowance of the application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

Leonard C. Mitchell  
Reg. No. 29,009

**COPY**

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